

# **DEPARTMENT OF LAW**

## **MISSION**

The Department of Law was created in 1926 and is headed by the State Attorney General, who is elected by the people. The Department is responsible for protecting the legal rights of New York State and its citizens by representing the State in litigation and in other legal affairs.

In implementing its constitutional responsibilities, the Department performs a wide range of functions. Major activities of the Department include prosecuting or defending actions and proceedings for or against the State and its departments; prosecuting certain criminal violations of the Labor, Workers' Compensation and Unemployment Insurance laws; investigating and prosecuting other criminal cases at the request of the Governor or the commissioners of State departments; investigating the activities of organized crime; bringing civil and/or criminal actions against polluters, violators of antitrust laws and those who defraud consumers or investors; mediating consumer complaints; and investigating and prosecuting cases of Medicaid fraud.

## **ORGANIZATION AND STAFFING**

The legal functions and administrative functions of the Department of Law are divided into eight major divisions: Administration, Appeals and Opinions, Counsel for the State, Criminal Justice, Economic Justice Investigations, Social Justice and Regional Offices. Each division consists of smaller bureaus or specialized units dealing with specific issues.

The Department's main offices are located in Albany and New York City, with regional offices in Binghamton, Poughkeepsie, Syracuse, Buffalo, Plattsburgh, Rochester, Watertown, Mineola, Hauppauge, Harlem, Utica, Brooklyn, Pearl River and White Plains.

## **BUDGET HIGHLIGHTS**

The Executive Budget recommends **\$249.6 million All Funds (including \$134.4 million General Fund; \$75.8 million Federal funds and \$39.4 million Other Funds)** for the Department of Law. This is an increase of **\$9.6 million (\$7.6 million Other Funds, \$1.9 million Federal funds)**. This increase reflects inflationary adjustments for operating costs, increased Federal funding for investigating and prosecuting Medicaid provider fraud, funding to expand Project Sunlight, an initiative to prevent illegal use of rental property (Nowhere to Hide), and an expansion of the Real Estate Finance Bureau. The Department of Law will have a work force of **2,032 FTEs**, which is a **61 FTE** increase from 2007-08. The increase reflects 35 FTEs for Medicaid Fraud Prevention; 12 FTEs for Project Sunlight; 10 FTEs for the Real Estate Finance Bureau; and 4 FTEs for Nowhere to Hide.

Major budget actions include:

- **Project Sunlight — Version 2.0:** Last year, Project Sunlight created a single database that combines information maintained on disparate databases by multiple State agencies, into a single reference point for easy access by the public, thereby improving the transparency of government in New York State. Next year, the next generation — Version 2.0 — will double the number of databases in the search, provide a more comprehensive database, improve searches, and will include a Spanish language version.

- **Nowhere to Hide:** This initiative, to hold landlords accountable when they allow their property to be used by tenants for drug dealing and other criminal activity, will: (1) strengthen relationships with local law enforcement, local prosecutors, and local community groups to identify target properties; (2) establish criteria for application of resources; (3) dedicate four new full-time investigative resources to collect the evidence necessary to support a case; and (4) assign OAG attorneys to advance the lawsuits.
- **Expanded Support for the Real Estate Finance Bureau:** The Attorney General has proposed legislation, S.6540/A.9546, that will increase the fees paid by the real estate development community under Article 23A of the General Business Law for the Office of the Attorney General's review of plans to build or convert existing buildings to, co-ops or condominiums. The Department of Law is to review such plans within 30 days. However, the number of such filings have increased 265 percent since 2002, (from 239 per year in 2002 to 873 in 2006). The increased fee revenues will support the additional staff needed to complete the reviews on time.
- **Enhance investigation and prosecution of Medicaid provider fraud:** The Executive Budget expands the Medicaid Fraud Control Unit by adding 35 new investigators and auditors, who are expected to increase prosecutions.

## **PROGRAM HIGHLIGHTS**

Agency divisions perform the following functions:

- The Administration Division provides budget, personnel, operations and technology services for the Agency;
- The Division of Appeals and Opinions handles appellate litigation in both State and Federal courts. The Division also prepares opinions, both formal and informal, interpreting State laws for State agencies and municipalities;
- The Criminal Division investigates and prosecutes criminal cases, including those involving Medicaid fraud, auto insurance fraud, white collar and organized crime cases involving multi-county, multi-state and even multi-national criminal activities occurring within New York State;
- The Investigations Division provides investigative support for legal divisions throughout the Department, and works cooperatively with State, local and Federal law enforcement agencies on cases that cross jurisdictional lines.
- The Division of State Counsel provides State agencies, the Governor, other State officials and the Legislature with counsel and representation in legal proceedings. It recoups non tax revenue on behalf of State taxpayers and provides legal assistance to State agencies in connection with the acquisition and disposition of public land;
- The Division of Economic Justice defends and protects the public interest in the courts. It enforces laws to prevent restraint of trade, protects consumers from fraudulent and/or deceptive business practices, regulates the sale of securities, and addresses people's concerns about criminal online activities;
- The Division of Social Justice also defends and protects the public interest in the courts. It ensures compliance with the State's health care and environmental laws, enforces State Labor and Workers' Compensation Laws, protects charitable donors and beneficiaries, and enforces laws prohibiting discrimination;

- The Regional Offices' Division provides satellite offices across the State to ensure that all New York agencies have cost-effective representation in all local and Federal courts, and that citizens have full access to the programs and services of the Department.

**ALL FUNDS  
APPROPRIATIONS  
(dollars)**

<b>Category</b>	<b>Available 2007-08</b>	<b>Appropriations Recommended 2008-09</b>	<b>Change</b>	<b>Reappropriations Recommended 2008-09</b>
State Operations	239,992,000	249,595,000	9,603,000	79,096,000
Aid To Localities	0	0	0	0
Capital Projects	0	0	0	0
<b>Total</b>	<b>239,992,000</b>	<b>249,595,000</b>	<b>9,603,000</b>	<b>79,096,000</b>

**ALL FUND TYPES  
PROJECTED LEVELS OF EMPLOYMENT BY PROGRAM  
FILLED ANNUAL SALARIED POSITIONS**

**Full-Time Equivalent Positions (FTE)**

<b>Program</b>	<b>2007-08 Estimated FTEs 03/31/08</b>	<b>2008-09 Estimated FTEs 03/31/09</b>	<b>FTE Change</b>
Administration			
General Fund	181	181	0
Appeals and Opinions			
General Fund	63	63	0
Counsel for the State			
General Fund	403	403	0
Special Revenue Funds - Other	258	274	16
Criminal Investigations			
General Fund	100	100	0
Economic Justice			
General Fund	134	134	0
Special Revenue Funds - Other	6	16	10
Social Justice			
General Fund	156	156	0
Capital Projects Funds - Other	7	7	0
Criminal Prosecutions			
General Fund	99	99	0
Special Revenue Funds - Other	68	68	0
Medicaid Fraud Control			
Special Revenue Funds - Federal	259	285	26
Special Revenue Funds - Other	86	95	9
Regional Offices			
General Fund	151	151	0
<b>Total</b>	<b>1,971</b>	<b>2,032</b>	<b>61</b>

**STATE OPERATIONS  
ALL FUNDS FINANCIAL REQUIREMENTS BY FUND TYPE  
APPROPRIATIONS  
(dollars)**

<b>Fund Type</b>	<b>Available 2007-08</b>	<b>Recommended 2008-09</b>	<b>Change</b>
General Fund	134,360,000	134,360,000	0
Special Revenue Funds - Federal	37,480,000	39,434,000	1,954,000
Special Revenue Funds - Other	68,152,000	75,801,000	7,649,000
<b>Total</b>	<b>239,992,000</b>	<b>249,595,000</b>	<b>9,603,000</b>

**STATE OPERATIONS  
ALL FUNDS FINANCIAL REQUIREMENTS BY PROGRAM  
APPROPRIATIONS  
(dollars)**

<u>Program</u>	<u>Available 2007-08</u>	<u>Recommended 2008-09</u>	<u>Change</u>
Administration			
General Fund	32,202,000	32,202,000	0
Appeals and Opinions			
General Fund	5,815,000	5,815,000	0
Counsel for the State			
General Fund	42,564,000	42,564,000	0
Special Revenue Funds - Other	49,223,000	55,687,000	6,464,000
Criminal Investigations			
General Fund	8,982,000	8,982,000	0
Economic Justice			
General Fund	11,933,000	11,933,000	0
Special Revenue Funds - Other	0	1,200,000	1,200,000
Social Justice			
General Fund	11,933,000	11,933,000	0
Criminal Prosecutions			
General Fund	7,992,000	7,992,000	0
Special Revenue Funds - Other	4,904,000	4,904,000	0
Medicaid Fraud Control			
Special Revenue Funds - Federal	37,480,000	39,434,000	1,954,000
Special Revenue Funds - Other	14,025,000	14,010,000	(15,000)
Regional Offices			
General Fund	12,939,000	12,939,000	0
Total	<u>239,992,000</u>	<u>249,595,000</u>	<u>9,603,000</u>

**STATE OPERATIONS - GENERAL FUND  
SUMMARY OF PERSONAL SERVICE APPROPRIATIONS AND CHANGES  
2008-09 RECOMMENDED  
(dollars)**

<u>Program</u>	<u>Total</u>		<u>Personal Service Regular (Annual Salaried)</u>	
	<u>Amount</u>	<u>Change</u>	<u>Amount</u>	<u>Change</u>
Administration	11,038,000	0	10,001,000	0
Appeals and Opinions	4,988,000	0	4,986,000	0
Counsel for the State	31,107,000	0	30,842,000	0
Criminal Investigations	8,442,000	0	8,329,000	0
Economic Justice	11,933,000	0	11,841,000	0
Social Justice	11,933,000	0	11,842,000	0
Criminal Prosecutions	7,525,000	0	7,387,000	0
Regional Offices	11,662,000	0	11,626,000	0
Total	<u>98,628,000</u>	<u>0</u>	<u>96,854,000</u>	<u>0</u>

<u>Program</u>	<u>Temporary Service (Nonannual Salaried)</u>		<u>Holiday/Overtime Pay (Annual Salaried)</u>	
	<u>Amount</u>	<u>Change</u>	<u>Amount</u>	<u>Change</u>
Administration	980,000	0	57,000	0
Appeals and Opinions	0	0	2,000	0
Counsel for the State	220,000	0	45,000	0
Criminal Investigations	113,000	0	0	0
Economic Justice	0	0	92,000	0
Social Justice	0	0	91,000	0
Criminal Prosecutions	106,000	0	32,000	0
Regional Offices	12,000	0	24,000	0
Total	<u>1,431,000</u>	<u>0</u>	<u>343,000</u>	<u>0</u>

**STATE OPERATIONS - GENERAL FUND  
SUMMARY OF NONPERSONAL SERVICE AND MAINTENANCE UNDISTRIBUTED  
APPROPRIATIONS AND CHANGES  
2008-09 RECOMMENDED  
(dollars)**

<b>Program</b>	<b>Total</b>		<b>Supplies and Materials</b>	
	<b>Amount</b>	<b>Change</b>	<b>Amount</b>	<b>Change</b>
Administration	21,164,000	0	5,100,000	0
Appeals and Opinions	827,000	0	0	0
Counsel for the State	11,457,000	0	0	0
Criminal Investigations	540,000	0	0	0
Criminal Prosecutions	467,000	0	5,000	0
Regional Offices	1,277,000	0	0	0
<b>Total</b>	<b>35,732,000</b>	<b>0</b>	<b>5,105,000</b>	<b>0</b>

<b>Program</b>	<b>Travel</b>		<b>Contractual Services</b>	
	<b>Amount</b>	<b>Change</b>	<b>Amount</b>	<b>Change</b>
Administration	257,000	0	14,385,000	0
Appeals and Opinions	0	0	827,000	0
Counsel for the State	399,000	0	11,058,000	0
Criminal Investigations	228,000	0	312,000	0
Criminal Prosecutions	192,000	0	270,000	0
Regional Offices	350,000	0	927,000	0
<b>Total</b>	<b>1,426,000</b>	<b>0</b>	<b>27,779,000</b>	<b>0</b>

<b>Program</b>	<b>Equipment</b>	
	<b>Amount</b>	<b>Change</b>
Administration	1,422,000	0
Appeals and Opinions	0	0
Counsel for the State	0	0
Criminal Investigations	0	0
Criminal Prosecutions	0	0
Regional Offices	0	0
<b>Total</b>	<b>1,422,000</b>	<b>0</b>

**STATE OPERATIONS - OTHER THAN GENERAL FUND  
SUMMARY OF APPROPRIATIONS AND CHANGES  
2008-09 RECOMMENDED  
(dollars)**

<b>Program</b>	<b>Total</b>		<b>Personal Service</b>	
	<b>Amount</b>	<b>Change</b>	<b>Amount</b>	<b>Change</b>
Counsel for the State	55,687,000	6,464,000	18,545,000	2,040,000
Economic Justice	1,200,000	1,200,000	803,000	803,000
Criminal Prosecutions	4,904,000	0	0	0
Medicaid Fraud Control	53,444,000	1,939,000	28,899,000	2,568,000
<b>Total</b>	<b>115,235,000</b>	<b>9,603,000</b>	<b>48,247,000</b>	<b>5,411,000</b>

<b>Program</b>	<b>Nonpersonal Service</b>	
	<b>Amount</b>	<b>Change</b>
Counsel for the State	37,142,000	4,424,000
Economic Justice	397,000	397,000
Criminal Prosecutions	4,904,000	0
Medicaid Fraud Control	24,545,000	(629,000)
<b>Total</b>	<b>66,988,000</b>	<b>4,192,000</b>